

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 3, 7-8, 11, 13, 15, 18, 20, 23, 26, 29, 32, and 34-38 are pending, with Claims 3, 11, 35, 36 and 38 amended and Claims 1, 2, 4-6, 9, 10, 12, 14, 16, 17, 19, 21, 22, 24, 25, 27, 28, 30, 31, and 33 canceled by the present amendment.

In the Official Action, the election was made final; Claims 3, 7, 9, 11, 13, 15, 18, 20, 23, 29, 32, and 34-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hayward et al. (U.S. Patent No. 6,798,997, hereinafter Hayward); and Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward.

Claim 3 is amended to recite the subject matter of Claim 9. Claim 11 is amended to maintain antecedent basis. No new matter is added.

Applicants note that the IDS of November 6, 2001 was only partially acknowledged. Applicants request that all references cited in this IDS be formally acknowledged with the Examiner's initials.

Applicants acknowledge with appreciation the personal interview between the Examiner and Applicants' representative on April 4, 2006. During the interview it was confirmed that Figures 3 and 4 of Hayward were filed in unpublished application 09/397,126. A copy of unpublished application 09/397,126 was not provided to Applicants' representative. Due to time constraints during the interview, it was not possible for Applicants' representative to confirm that all of the passages of Hayward cited in the outstanding Official Action were also present in unpublished application 09/397,126. The Examiner agreed to consult his supervisor for permission to send a copy of unpublished application 09/397,126 to Applicants' representative. Applicants formally request a copy of unpublished application 09/397,126 for further study.

Also during the interview, Claim 3 and the portions of the specification corresponding to elected species 3 were discussed and compared to the disclosure of Hayward. The Examiner acknowledged that Hayward appeared to fail to disclose or suggest a store purchase option as recited in Applicants' now amended Claim 3, albeit rewritten for brevity. Support for this amendment is found in Applicants' originally filed specification.¹

Briefly recapitulating, amended Claim 3 is directed to a print apparatus consumable purchase system including, *inter alia*, a controller for displaying a status screen for representing consumption degree of a consumable used with the print apparatus on a display and displaying one of a plurality of options concerning a purchase mode of the consumable in a status screen and an option calling button for calling the plurality of options in the status screen. The plurality of options includes a delivery purchase option and a store purchase option represented by a delivery purchase button and a store purchase button.

Hayward describes an automatic supply ordering system for electronically ordering a consumable component or replaceable part in a marking machine. The system provides electronic identification of a condition of a replaceable component and automatically electrically sends an offer to purchase a replacement part upon identification of a threshold condition.² Hayward includes a display screen that includes a "buy now" button that is activated when an ink level reaches a certain predetermined threshold.³ However, as acknowledged during the interview, Hayward only discloses a buy now option and does not disclose a store purchase option as recited in Applicants' amended Claim 3.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be

¹ Specification page 46, lines 3-18, paragraph 126 of the corresponding published application.

² Hayward, Abstract.

³ Hayward Figure 4, column 7, line 54 through column 8, line 12, column 8, lines 32-53.

shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Hayward does not disclose or suggest all the features recited in amended Claim 3, Hayward does not anticipate the invention recited in Claim 3, and all claims depending therefrom.

Because Claim 3 is amended to recite the features of previously examined Claim 9, Applicants submit that Applicants amendment raises no new issue requiring further search or consideration. Thus, Applicants submit that a Request for Continued Examination is not required and therefore request that the present amendment be entered and considered without further delay.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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